

**REMARKS**

Applicants respectfully request the entry of this Amendment, reconsideration of the rejections and any objections, and a Notice of Allowance.

Applicants present claims 1-3 and 6-7 for examination. Claims 4 and 5 have been canceled. Amended claims 1 and 2 include an MFR value of 2.0 g/10 min that is drawn from previously presented claims 6 and 7, respectively. The value is supported by the specification as noted earlier in the prosecution record.

The amended claims present no new issue and the total number of claims has been reduced. Accordingly, entry of this Amendment is respectfully solicited.

Applicants acknowledge with appreciation that claims 6 and 7 are allowable over the art.

Claims 1-3 define novel, unobvious inventions over the newly applied Howard reference.

The Howard reference should not anticipate nor would it have suggested the inventions according to claims 1-3.

The claims are novel and it is courteously submitted that the reference does not inherently anticipate. When fairly considered, the Howard reference neither describes nor would it have suggested the present claimed inventions.

The instant claims are novel over the Howard reference. The melt flow rate (MFR) of the claimed copolymer of ethylene and  $\alpha$ -olefin of from 4 to 20 carbon atoms in amended claims 1 and 2 is from 2.0 to 100 g/10 min. On the other hand, according to the Office Action, an MFR in the Howard reference is 1.6 g/10 min. The Howard reference therefore does not anticipate the claims.

Even if, *arguendo*, the reference were considered under an inherency theory, Applicants respectfully submit the Declaration of record offers evidence to show that similar chemistry – as hypothesized in the Office Action – does not necessarily alone suffice to obtain a product according to the claims.

It is respectfully submitted that the Howard reference does not anticipate claim 1 or 2 under the doctrine of inherency. Applicants' claims recite the activation energy for flow is 60 kJ/mol or more when the MFR is 2.0 g/10min to 100 g/10min. Applicants also point out the Howard Example 7 does not appear to satisfy the activation energy flow according to the present claims, which undercuts the thesis advanced in the Office Action. Similarly, *arguendo*, though the copolymer of Example 1 (MFR 3 g/10 min.) of the now withdrawn Kokubo et al. reference might satisfy the above-range of MFR 1.5 to 100 g/10 min., such copolymer apparently does not inherently have the claimed activation energy. The prior Declaration is indirect evidence suggesting no inherent anticipation, even if the reference is now the newly cited Howard patent.

Additionally with respect to claim 2, the copolymer definition includes the relationship according to formula (4),  $\tau \geq 8.1 \times \text{MFR}^{-0.746}$ . However, it is not shown from the Office Action or from the face of the Howard reference whether the copolymer satisfies the relationship of formula (4).


Further, Applicants respectfully submit that since Howard report scattered data points that are appear inconsistent with respect to MFR and activation energy, the reference apparently does not provide any suggestion to obtain the copolymer of claim 1 or 2.

For all the foregoing reasons, the rejections have overcome and the claims are in condition for allowance.

Respectfully submitted,

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